

VIA ECF/EMAIL

Honorable Judge Gregory H. Woods
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Kumaran et al vs. National Futures Association et al* 20-CV-3668-GHW-SDA

**LETTER MOTION FOR SCHEDULING ORDER FOR MOTION TO AMEND JUDGEMENT AND
CLARIFICATION ORDERS**

Dear Judge Woods,

Plaintiff writes to set forth the scheduling order for Local Rule 59(e) motion to amend judgement in ECF185 for dismissing NFA Defendants claims with prejudice based on the statute of limitations. Plaintiff will argue and present relevant precedent that the conclusion of law was erroneous, as was the application of equitable tolling and equitable estoppel. Prior to filing an Appeal, Plaintiffs seek to file their crucial Federal Rule 59(e) which is due 28 days from entry of the Order. I therefore seek confirmation of the briefing schedule for the upcoming FRCP 59(e) motion.

Plaintiffs' NFA Defendants and Kadlec CEA 22 Motion Due:	June 30, 2022
NFA Defendants and Kadlec CEA 22 Opposition Due:	July 14, 2022
Plaintiffs' NFA Defendants and Kadlec CEA 22 Reply Due:	July 21, 2022

In addition Plaintiffs will seek reconsideration and clarification of various portions of the Order as pertains to Defendant Kadlec. Pursuant to Local Rule 6.3 that motion for relief is due on June 16, 2022. We therefore seek confirmation of the briefing schedule for that part of the motion.

Plaintiffs' Kadlec Individual Claims Local 6.3 Motion Due:	June 16, 2022
Kadlec's Opposition Local Rule 6.3 Motion Due:	June 30, 2022
Plaintiffs' Kadlec Individual Claims Reply Due:	July 7, 2022

Plaintiff respectfully seeks confirmation of the briefing scheduling Order, so that no deadlines are missed. Concurrently Plaintiffs have also written to stay the filing of any amended Complaint against Kadlec pending resolutions of these motions and also resolution of the NRCM and ADMIS Arbitration issues that are pending in related case 20-CV-3873.

The purpose of this letter is solely to clarify the briefing schedule for the above motions. Plaintiff also specifically clarification on the Rule 59(e) motion to alter/amend judgement against NFA Defendants which ruled their claims are dismissed with prejudice is due within 28 days and ECF185 is viewed as a final order with regards to those Defendants. Therefore any motion related to 59(e) is due on June 30, 2022. .

However, because Kadlec's claims are subject to Local Rule 6.3, the deadline is to file those on June 16, 2022. Plaintiff specifically seeks clarification that Kadlec's CEA 22 reconsideration motion if it is due on June 16, 2022 or June 30, 2022 because the claims overlap.

For the avoidance of any confusion, Plaintiff seeks that both CEA22 motions for both NRCM and Kumaran are filed together on June 30, 2022 in accordance with the 28 days limit permitted under Rule 59(e). Further Plaintiff seeks confirmation that Kadlec's Local Rule 6.3 motion is due on June 16, 2022 in accordance with the 14 day limit (which does not apply to the NFA Defendants) Plaintiff argues good cause for this relief is warranted because these are potentially dispositive rulings and therefore the full 28 days is needed under Rule 59(e.)

It is also difficult to file two separate motions on the same date, so Plaintiff respectfully seeks the two motions be staged as with dates June 16, 2022 for Kadlec's Individual Claims Local Rule 6.3 motion and June 30, 2022 for NFA Defendants and Kadlec's CEA 22 Rule 59(e) motion. I respectfully seek confirmation of the Court's scheduling Order on the two upcoming motions. Thank you.

Respectfully submitted,
//SSK//
Samantha Siva Kumaran
Individual Plaintiff